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February 13, 2012

FILED ELECTRONICALLY

Honorable Michael A. Shipp
U.S. Magistrate Judge
Martin Luther King Jr. Federal Bldg. and Courthouse
50 Walnut Street
Newark, NJ 07102

Kenwood Appliances Luxembourg, S.A., et al.. v. Home Depot U.S.A., Inc., et al.,
2:10-cv-06356-SRC-MAS

Dear Magistrate Judge Shipp:

I represent the defendant, Home Depot U.S.A., Inc. ("Home Depot"), in the above-captioned matter. The parties have a settlement conference presently scheduled for Wednesday, February 15, 2012 at 2 p.m. My client has a conflict and is unable to attend the conference at that time. Although Home Depot is prepared to attend the conference at the presently scheduled time, we believe it would be more conducive to settlement if the conference is rescheduled to permit my client to attend. In addition, Defendants took the Rule 30(b)(6) depositions of three witnesses on February 8 and 9. The parties are currently awaiting the transcripts of these depositions, which we believe will bear significantly on settlement discussions.

I have consulted with counsel for the other parties in this matter and all parties are available on February 21 or March 19. Because plaintiff's expert disclosures are due on March 15, 2012, the March 19 date, if available, would also allow for settlement discussions to take place on a more complete record. If the Court's calendar permits, we respectfully request that the settlement conference be rescheduled for either February 21 or March 19.

Respectfully submitted,

/s/ Michael Potenza

Michael R. Potenza

cc: Rudolph V. Pino, Esq.
John R. Altieri, Esq.
Trent S. Dickey, Esq.